



DEPARTMENT OF THE NAVY

BOARD FOR CORRECTION OF NAVAL RECORDS

2 NAVY ANNEX

WASHINGTON, D.C. 20370-5100

MEH:ddj

Docket No: 7410-98

9 March 1999

[REDACTED]

[REDACTED]

This is in reference to your application for correction of your naval record pursuant to the provisions of title 10 of the United States Code, section 1552.

A three-member panel of the Board for Correction of Naval Records, sitting in executive session, considered your application on 9 March 1999. Your allegations of error and injustice were reviewed in accordance with administrative regulations and procedures applicable to the proceedings of this Board. Documentary material considered by the Board consisted of your application, together with all material submitted in support thereof, your naval record and applicable statutes, regulations and policies. In addition, the Board considered the advisory opinion furnished by BUPERS memorandum 5420 PERS 4010 of 5 February 1999, a copy of which is attached.

After careful and conscientious consideration of the entire record, the Board found that the evidence submitted was insufficient to establish the existence of probable material error or injustice. In this connection, the Board substantially concurred with the comments contained in the advisory opinion. Accordingly, your application has been denied. The names and votes of the members of the panel will be furnished upon request.

It is regretted that the circumstances of your case are such that favorable action cannot be taken. You are entitled to have the Board reconsider its decision upon submission of new and material evidence or other matter not previously considered by the Board. In this regard, it is important to keep in mind that a presumption of regularity attaches to all official records. Consequently, when applying for a correction of an official naval record, the burden is on the applicant to demonstrate the existence of probable material error or injustice.

Sincerely,

W. DEAN PFEIFFER  
Executive Director

Enclosure



**DEPARTMENT OF THE NAVY**

**NAVY PERSONNEL COMMAND  
5720 INTEGRITY DRIVE  
MILLINGTON TN 38055-0000**

5420  
PERS 4010  
05 FEB 99

MEMORANDUM FOR THE EXECUTIVE DIRECTOR, BOARD FOR CORRECTION OF  
NAVAL RECORDS

Via: Assistant for Board for Correction of Naval Records Matters (Pers-3CB)

Subj: BOARD FOR CORRECTION OF NAVAL RECORDS (BCNR) INQUIRY ICO  


Ref: (a) BCNR Inquiry of 15 OCT 98 w/attachments ICO SNM

1. Reference (a) has been reviewed. The following comments and recommendations are forwarded.

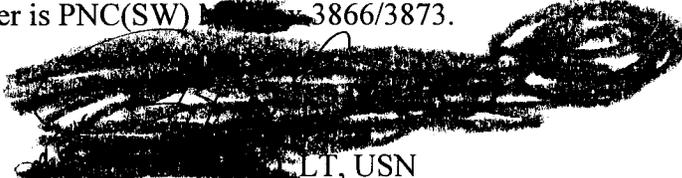
Issue. Change in initial contract obligation from 4YO to 2YO.

<u>Background:</u>	<u>Member Data:</u>
ADSD:	97OCT
EAOS:	03OCT05
SOFT EAOS:	05OCT05
PRES DUSTA:	STUDENT COMBATRCEN LNT
PRD/RCVD:	--
PREV DUSTA:	SSC GREAT LAKES, IL
RCVD:	97DEC12

Discussion: HM3 Swartz reenlisted into the Navy as a NAVET for four years with a 24 month extension on 6 October, 1996 for entry into the Advanced Electronics Field (AEF). The enlisted master file currently shows that HM3 Swartz with a 6YO obligation which includes 24 month extension. HM3 Swartz desires to have his contract changed from a 4YO contract plus a 24 month extension to a 2YO contract plus a 48 month extension. Per COMNAVCRUITCOMINST 1130.8e, navy veterans must enlist for four years with a 24 month extension for entry into the AEF program.

3. Recommendation: Recommend member's request to change his contract disapproved. Also recommend that the enlisted master file be corrected to show that HM3 Swartz reenlisted on 6 October, 1996 for four years with a 24 month extension.

4. My point of contact for this matter is PNC(SW)  3866/3873.

  
LT, USN  
Rating Assignment Officer  
A-School Assignments (PERS-4010S)